

Serial No. 10/005,757

Remarks.

Reconsideration of the application as amended is respectfully requested.

No claim presently stands allowed. Claims 1-4 were previously canceled. Claims 5-6 and 11 were previously withdrawn from consideration. Claims 7-10 have now been canceled, with new claims 12-14 being added as explained below.

***Claim Rejections - 35 U.S.C. §103***

The Examiner rejected amended claim 7 as being unpatentable over a newly cited reference, Hacıkyan (6,308,827), in view of previously cited Garrill et al. (6,119,853).

In response, Applicant respectfully traverses this rejection in that, *inter alia*, important structural differences exist between his invention and the references. In this regard, Applicant also renews and incorporates by reference thereto all of his arguments of 9-24-2004.

Therefore, Applicant respectfully requests that the Examiner's rejection in this regard be withdrawn.

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***Allowable Subject Matter***

For the sake of expediency in patenting the instant invention, Applicant has rewritten claims 8-10 in independent form, as new claims 12-14.

***Response to (Previous) Arguments***

The Examiner has stated that Applicant's arguments of 9-24-2004 are moot in light of the new ground(s) of rejection.

Applicant respectfully acknowledges this position but traverses it as aforesaid.

***Conclusion***

This Amendment is presented in accordance with revised 37 C.F.R. §1.121, effective 7-30-2003.

Claims 1-4 were previously canceled. Claims 5-6 and 11 were previously withdrawn, and Applicant continues to assert a right to present them in a continuing application. Claims 7-10 have now been canceled, and replaced with new claims 12-14 which represent former claims 8-10 rewritten in independent form relative to former claim 7.

For the reasons stated above, Applicant believes that his invention disclosed and claimed in the instant application is

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patentable. Therefore, allowance of new claims 12-14 as now amended appears to be in order and such action is accordingly requested.

Also transmitted herewith is a PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) to respond to the Office Action, along with a Credit Card Payment Form for payment of the extension of time fee.

The Applicant and his counsel would appreciate any further inquiry from the Examiner, if deemed necessary after consideration of this Amendment, by way of a telephone conversation with counsel so that a timely Notice of Allowance may be issued.

Respectfully submitted,  
Joseph D. Franko, Sr.

Dated:

10-25-2005

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